

REMARKS/ARGUMENTS

Claims 14-23, 25- 27, 36-37, 41-42, 44-46, 48-49 and 51 are pending in the application. By this Amendment, the Abstract, the specification, and claims 23, 36, 41-42, 45 and 48-49 are amended, and claims 24, 40, 43, 47, and 50 are canceled without prejudice or disclaimer. No new matter is added. Support for the claims can be found throughout the specification, including the original claims and the drawings. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal, if necessary. Entry is thus requested.

The Office Action rejected claims 23, 25-27, 45, 47 and 51 under 35 U.S.C. § 102(b) over Dyson, U.S. Patent No. 5,937,477; and rejected claim 24 under 35 U.S.C. §103(a) over Dyson in view of Yung, U.S. Patent No. 6,484,350. Claims 24 and 47 have been canceled and their features have been added to independent claims 23 and 45, respectively. These rejections are respectfully traversed in so far as they apply to the pending claims.

Independent claim 23 has been amended to recite, *inter alia*, a motor housing installed in a front portion of the lower casing and configured to receive therein a driving motor, an inlet

formed in a front portion of the upper casing and configured to receive therethrough suction air into the vacuum cleaner, and a filtering device is installed in a rear portion of the lower casing and configured to create a downwardly swirling flow of suction air, wherein suction air is received into an upper portion of the filtering device and flows downward, the suction air being discharged out of the vacuum cleaner through an outlet, and wherein the filtering device comprises a filter configured to filter foreign materials contained in the suction air, a portion fall from the section air due to gravity and another portion being removed from the suction air due to gravity and another portion being removed from the section by the filter. Independent claim 45 has been amended to recite, *inter alia*, an inlet formed at the front portion of the canister and configured to receive therethrough suction air into the vacuum cleaner, and a pressure sensor positioned on a cover positioned intermediate the upper casing and the motor housing and configured to sense pressure within the motor housing. Dyson does not disclose or suggest such features, or the respective claimed combinations of independent claims 23 and 45.

Rather, Dyson discloses a vacuum cleaner 10 including a housing 12 having a base 14 and a cover 16, and containing a dust separating apparatus 22 for separating dirt and dust from an air flow, as well as a motor 24. Inlet hose 18, 18' and the dust separating apparatus 22 are disposed in a front portion of the housing 12, while the motor 24 is disposed in a rear portion of the housing 12.

Further, with respect to independent claim 23, as admitted by the Examiner, Dyson fails to disclose or suggesting the claimed filter. Furthermore, neither Dyson nor Yung provide any

motivation for the Examiner's proposed combination. That is, neither Dyson nor Yung provide any motivation to provide Dyson with a filtering device comprising a filter configured to filter foreign materials contained in the suction air, a portion fall from the section air due to gravity and another portion being removed from the suction air due to gravity and another portion being removed from the section by the filter. Clearly the Examiner's proposed combination is based on impermissible hindsight gleaned from Applicant's own disclosure.

Additionally, with respect to independent claim 45, Dyson does not disclose or suggest a pressure sensor positioned on a cover positioned intermediate the upper casing and the motor housing and configured to sense pressure within the motor housing.

Accordingly, the rejection of claims 23 and 45 over Dyson should be withdrawn. Dependent claims 25-27, and 51 are allowable over Dyson at least for the reasons discussed above with respect to independent claims 23 and 45, from which they respectively depend, as well as for their added features.

The Office Action rejected claims 36, 40-41, 44-48 and 51 under 35 U.S.C. § 102(b) over Andersson-Sason, U.S. Patent No. 3,089,177, and rejected claims 43 and 50 under 35 U.S.C. §103(a) over Andersson-Sason in view of EP0344136. Claims 40, 43, 47, and 50 have been canceled and their features added to independent claims 36 and 45, respectively. These rejections are respectfully traversed in so far as they apply to the pending claims.

Andersson-Sason discloses a vacuum cleaner 10 comprising a housing 11, including a bottom part 13 and a top part 12, a dust collector or separator 20, and a motor fan unit 21.

However, with respect to independent claim 36, Andersson-Sason does not disclose or suggest a canister formed by a lower casing and an upper casing to form a chamber within the canister, a first portion of the chamber serving as a collection chamber and a second portion of the chamber serving as a motor housing, and an inlet formed at a front portion of the canister and configured to receive therethrough suction air into the vacuum cleaner, wherein the first portion of the chamber is a rear portion of the vacuum cleaner and the second portion of the chamber is a front portion of the vacuum cleaner. Rather, the inlet hose 31/suction connector 27 and dust collector or separator 20 disclosed by Andersson-Sason is positioned in a front portion of the housing 11 while the motor fan unit 21 is disposed in a rear portion of the housing 11.

Regarding independent claim 45, Andersson-Sason does not disclose or suggest a canister formed by a lower casing and an upper casing to form a chamber within the canister, a rear portion of the canister serving as a collection chamber and a front portion of the canister serving as a motor housing, an inlet formed at the front portion of the canister and configured to receive therethrough suction air into the vacuum cleaner, and a motor located in the front portion of the chamber within the motor housing. Again, the inlet hose 31/suction connector 27 and dust collector or separator 20 is disposed in the front portion of the housing 11 disclosed by Andersson-Sason and the motor fan unit 21 is disposed in a rear portion of the housing 11.

Further, as admitted by the Examiner, Andersson-Sason fails to disclose or suggest the claimed pressure sensor positioned on a cover positioned intermediate the upper casing and the motor housing and configured to sense pressure within the motor housing. Furthermore,

neither Andersson-Sason nor EP0344136 provide any motivation for the Examiner's proposed combination. Clearly the Examiner's proposed combination is based on impermissible hindsight gleaned from Applicant's own disclosure.

Accordingly, the rejection of independent claims 36 and 45 over Andersson-Sason should be withdrawn. Dependent claims 41, 44, 48, and 51 are allowable over Andersson-Sason at least for the reasons discussed above with respect to independent claims 36 and 45, from which they respectively depend, as well as for their added features.

The Office Action rejected claims 14-20, 22, 42, 49, and 51 under 35 U.S.C. §103(a) over Andersson-Sason in view of Figure 2 of the present application. The rejection is respectfully traversed.

Independent claim 14 recites, *inter alia*, a cover configured to directly cover and protect the motor housing and a damper provided in a surface of the cover above the motor housing. In the rejection and "Response to Arguments" section of the Office Action, the Examiner refers to Figure 4, element 17 and the unnumbered walls near elements 16, 21, 22, 24, and 25 of Andersson-Sason as corresponding to the claimed motor housing and element 14 as corresponding to the claimed cover. However, element 14 does not directly cover the alleged motor housing, as there are various features interposed therebetween, as can be seen in Figure 4 of Andersson-Sason. Additionally, it would not have been obvious to modify Andersson-Sason in view of Figure 2 of the present application to produce the claimed invention of independent claims 14. Figure 2 of the present application teaches providing a damper 28a in a cover 28 over

a dust collecting chamber 22a, not a motor housing. Further, the damper 28a disclosed in Figure 2 of the present application is designed to function based on a pressure differential between the dust-collecting chamber 22a and atmospheric pressure. Because there are various features interposed between element 14 and the alleged motor housing and because the alleged motor housing includes opening 22, the damper would not function.

Accordingly, the rejection of independent claim 14 over Andersson-Sason and Figure 2 of the present application should be withdrawn. Dependent claims 15-20 and 22 are allowable over Andersson-Sason and Figure 2 of the present application at least for the reasons discussed above with respect to independent claim 14, from which they depend, as well as for their added features. Further, dependent claims 42, 49, and 51 are allowable over Andersson-Sason at least for the reasons discussed above with respect to independent claims 36 and 45, from which they respectively depend, as well as for their added features.

The Office Action rejected claim 21 under 35 U.S.C. §103(a) over Andersson-Sason in view of Figure 2 of the present application as applied to claim 14, and further in view of EP0344136. The rejection is respectfully traversed.

Dependent claim 21 is allowable over Andersson-Sason and Figure 2 of the present application at least for the reasons discussed above with respect to independent claim 14, from which it depends, as well as for its added features. EP0344136 fails to overcome the deficiencies of Andersson-Sason and Figure 2 of the present application, as it is merely cited for allegedly

teaching a pressure sensor in an upper wall of the motor housing. Accordingly, the rejection of claim 21 over Andersson-Sason and Figure 2 of the present application should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP


Carol L. Druzbeck
Registration No. 40,287

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3777 CLD/krf

Date: May 23, 2007

Please direct all correspondence to Customer Number 34610

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